



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMAAL JOHNSON,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

3:10-cv-00610-RCJ-VPC

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel.

Petitioner has paid the filing fee for this action. Petitioner has filed a motion for the appointment of counsel, written by attorney Lisa A. Rasmussen, who also wrote and filed the petition in this action. (Docket #2). Ms. Rasmussen indicates that petitioner would like for her to represent him in these federal habeas proceedings. (Docket #2). Good cause appearing, petitioner's motion to appoint Lisa A. Rasmussen as counsel in this action is granted.

The petition shall be served on respondents and respondents shall file a response to the petition within 45 days, as set forth at the conclusion of this order. The Court notes that a petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions).

1 **IT IS THEREFORE ORDERED** that petitioner's motion to appoint Lisa A.
2 Rasmussen as his counsel in this action (Docket #2) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** a copy of this order to the
4 CJA Coordinator.

5 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE**
6 the petition (Docket #1) upon the respondents.

7 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
8 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or
9 other response, respondents shall address all claims presented in the petition. Respondents shall raise
10 all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
11 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
12 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
13 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
14 **forty-five (45) days** from the date of service of the answer to file a reply.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall proceed through his
16 counsel and shall not file documents in *pro per* unless otherwise ordered by this Court. Petitioner's
17 counsel shall serve upon the Attorney General of the State of Nevada a copy of every pleading,
18 motion, or other document he submits for consideration by the Court. Counsel shall include with the
19 original paper submitted for filing a certificate stating the date that a true and correct copy of the
20 document was mailed to the Attorney General. The Court may disregard any paper that does not
21 include a certificate of service. After respondents appear in this action, petitioner's counsel shall
22 make such service upon the particular Deputy Attorney General assigned to the case.

23 DATED this 30th day of November, 2010.

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26 UNITED STATES DISTRICT JUDGE